IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 2609 of 2005

Between:

SHAKEERA, W/o. Late A. Mohammed Jameel Ahmed,
r/o. 16-10-316/1/A, Race Course Road, Malakpet, Hyderabad.

..... PETITIONER

AND

The Mandal Revenue Officer, Amberpet Mandal, Hyderabad.

....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not considering the request of the petitioner for issuance Legal Heir Certificate vide Memo No. C/9156/04 dated 18-1-2005 as highly illegal and arbitrary. Any other relief deemed fit and proper be also granted to the petitioner

Counsel for the Petitioner:MR.ABDUL NAJEEB KHAN

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

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ORDER:

Questioning the Memo No.C/9156/04, dated 18.01.2005 issued to him by the respondent, petitioner filed this writ petition.

2. The case of the petitioner is that she as widow of Mohammed Jameel Ahmed (the deceased) she sought a legal heir certificate from the respondent and that he gave her the memo, impugned in this petition stating that since local enquiry made by him revealed that the deceased left behind another woman as his wife, and since details of that woman are not mentioned in her application, that application of hers is an incomplete one, and so, her request for issuance of the legal heir certificate cannot be considered.

3. The contention of the learned counsel for the petitioner is that since to the best knowledge of the petitioner, she is the only wife of the deceased and since her husband did not marry any other woman, question of petitioner giving particulars of the other wife does not arise and so respondent without insisting on the petitioner furnishing the particulars of other woman, allegedly claiming herself to be the wife of her deceased husband, may be directed to reconsider the application of the petitioner more so because there is no rival claim by that woman for a legal heir certificate.

4. In my considered opinion, question of giving a direction to the respondent to reconsider the application of the petitioner does not arise because, the memo impugned in this petition clearly states that local enquiry made revealed that the deceased was having another wife. If the petitioner feels that she is the only wife of the deceased and her husband did not marry any other woman, her remedy is to file a suit for such a declaration impleading the respondent as defendant and obtain the

necessary relief from the Civil Court.

5. Hence, the writ petition is dismissed. No costs.

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C.Y.SOMAYAJULU, J

Dated : 14.3.2005

RAR

To

1) The Mandal Revenue Officer, Amberpet Mandal, Hyderabad.

2) 2 CCS to G.P for Revenue,High Court Bldgs,Hyd.(OUT)

3) 2 CD copies.